

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

WILLIAM V. FRABIZIO III

Plaintiff,

v.

ELECTRIC-SPORTS, INC.,  
JOHN E. CONWAY, and MARK BORTMAN

Defendants.

CIVIL ACTION No. 04-12588 DPW

ELECTRIC SPORTS, INC.,  
JOHN E. CONWAY, and MARK BORTMAN

Plaintiffs in Counterclaim,

v.

SPORTBOX LLC, WILLIAM V. FRABIZIO III,  
and ANNA MARIANI FRABIZIO

Defendants in Counterclaim.

**STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the Parties hereby stipulate that all claims and counterclaims in the above-captioned matter should be dismissed with prejudice, without attorneys' fees and without right of appeal.

WILLIAM V. FRABIZIO III,

**/s/ William V. Frabizio III**

William V. Frabizio III  
Sportbox LLC  
107 Bridge Street  
Newton, Massachusetts 02458  
(617) 916-1862

PLAINTIFF and  
DEFENDANT IN COUNTERCLAIM

ELECTRIC SPORTS, INC.,  
JOHN E. CONWAY and MARK BORTMAN,

**/s/ Gabriel M. Helmer**

Michele A. Whitham (BBO No. 553705)  
Gabriel M. Helmer (BBO No. 652640)  
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155 Seaport Blvd.  
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(617) 832-1000

ATTORNEYS FOR DEFENDANTS and  
PLAINTIFFS IN COUNTERCLAIM

ANNA MARIANI FRABIZIO,

**/s/ Anna Mariani Frabizio**

Anna Mariani Frabizio  
107 Bridge Street  
Newton, Massachusetts 02458  
(617) 916-1862

DEFENDANT IN COUNTERCLAIM

Dated: April 11, 2005